



#7

Serial No. 10/027,620

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	OKUYAMA ET AL.	Examiner:	K. GROUP
Serial No.:	10/027,620	Group Art Unit:	1755
Filed:	DECEMBER 19, 2001	Docket No.:	10873.856US01
Title:	DIELECTRIC CERAMIC COMPOSITION AND DIELECTRIC DEVICE		

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 7, 2003.

By: *Kristine A. Wach*Name: *Kristine A. Wach*

PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
OFFICE ACTION NOT RECEIVED

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RECEIVED****NOV 18 2003****TC 1700****23552**

PATENT TRADEMARK OFFICE

Dear Sir:

Applicants hereby petition to withdraw the holding of abandonment in this case, on the basis that the March 28, 2003 Office Action forming the basis of the abandonment was not received. A copy of the Notice of Abandonment is enclosed.

Applicants state that a search of the file and the docket records in Merchant & Gould indicates that this Office Action was not received (except for a copy transmitted by facsimile on October 23, 2003, after the final date for response had expired).

The undersigned learned of the holding of abandonment and the March 28, 2003 Office Action in a telephone call from the Examiner in October of 2003. Subsequent to that conversation, the Examiner faxed a copy of the Office Action to the undersigned on October 23, 2003. The Applicants are being consulted for instructions for responding to the Office Action and will file a response in due course. However, Applicants request that the March 28, 2003 Office Action be remailed so that a formal date for response can be determined.

11/12/2003 SDIRETHI 00000013 10027620

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Attached is a copy of the docket record where the Office Action would have been entered had it been received and docketed.

A Declaration of Jodi Gandel-Klein, the Docketing Supervisor is also attached.

The Declaration by Ms. Gandel-Klein outlines the firm's handling of incoming correspondence, including Patent and Trademark Office actions. As noted in the Declaration, the correspondence is brought to the firm, date stamped and sorted between Patent and Trademark Office correspondence, other correspondence possibly requiring docketing, and non-docketing correspondence. The Declaration also outlines the firm's procedures for docketing actions from the Patent and Trademark Office. A member of the docketing department collects the correspondence requiring docketing from the mailroom, and delivers the Patent and Trademark Office correspondence to the appropriate docketing personnel. That person then reviews the correspondence and enters the appropriate information in the firm's automated docketing system. The correspondence is then delivered to the responsible attorney for appropriate action.

Ms. Gandel-Klein confirms that there is no evidence in the firm's docketing records to indicate that the Office Action in this application was ever received (except for the fax copy mentioned above). Ms. Gandel-Klein concludes that, in view of this, she believes that the Office Action was never received for docketing.

It is believed that this is sufficient to establish the non-receipt of the Office Action. More particularly, if the Office Action had been received, it would have been entered into the computerized docket system. However, even if for some reason the information was entered into the docket system under the wrong file number, the Office Action still would have been associated with the file for this application since the attorney docket number on the Office Action is correct. Therefore, the absence of the original Office Action from the attorney's file substantiates Ms. Gandel-Klein's conclusion that the Office Action was not received. In consideration of these submissions, it is respectfully requested that the holding of abandonment be withdrawn.

The petition fee under 37 C.F.R. § 1.17(h) in the amount of \$130.00 is enclosed.


Please charge any additional fees or credit overpayment to Merchant & Gould Deposit  
Account No. 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 332-5300

Date:

November 7, 2003

  
\_\_\_\_\_  
Douglas P. Mueller  
Reg. No. 30,300  
DPM:PLSkaw





# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
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Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,620	12/19/2001	Kojiro Okuyama	10873.856US01 ✓	2978

7590 10/24/2003

Merchant & Gould P.C.  
P.O. Box 2903  
Minneapolis, MN 55402-0903

DPM

EXAMINED

GROUP, KARL E

ART UNIT	PAPER NUMBER
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1755

DATE MAILED: 10/24/2003

REV APP/PTA: Nov 28, 2003

REV LMO: Mar 28, 2004

FIN REV: Sept 28, 2004 DV ✓

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Notice of Abandonment</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/027,620	OKUYAMA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Karl E Group	1755	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 28 March 2003.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

Karl E Group  
Primary Examiner  
Art Unit: 1755

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

PCMaster v3.03.02 - Merchant & Gould - [Patent]			
File Edit Records Utilities Tools Help			
Docket Number	10873.0856US01	Attorney	DPM - DOUGLAS P. MUELLE
Country	United States	Attorney #2	
Case Type	Regular	Client	IKELUCHI-SAITO & PARTNER
Relation Type	Original Filing	Assignee	MATSUSHITA ELECTRIC IND
Filing Type	National	Previous Owner	
Filing Number	01	Client Reference	
DIELECTRIC CERAMIC COMPOSITION AND DIELECTRIC DEVICE			
Inventors	Licenses	Add'l Info	Related Id
Filing Data	Related Party Info	Actions	Client Info
Status	Filed	First Filing Date	12/20/2000
Sub Status	Pending	Parent Filing Date	12/20/2000
Parent Country		Parent Grant Date	
Parent Number	00387742	Ind. Claims\Designs	
Total Claims		Filing Date	12/19/2001
Application Number	10/027620	Issue Date	
Patent Number		Publication Date	08/15/2002
Publication Number	N	Expiration Date	
Assigned		Tax Base Date	
Convention Type		Next Tax Date	
Responsible Office	Minneapolis/St. Paul		
Created: 12/28/2001 Updated: 10/30/2003 11:26 AM By: MPS			
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**PCMaster v3.03.02 - Merchant & Gould - [Patent]**

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Docket Number: 10873.0856US01  
Country: United States  
Attorney: DPM - DOUGLAS P. MUELLE  
Attorney #2:  
Case Type: Regular  
Client: KEUCHI-SATO & PARTNER  
Relation Type: Original Filing  
Assignee: MATSUSHITA ELECTRIC IND  
Filing Type: National  
Previous Owner:  
Filing Number: 01  
Client Reference:

**DIELECTRIC CERAMIC COMPOSITION AND DIELECTRIC DEVICE**

Inventors		Licenses		Add'l Info		Related Id		Title		Remarks	
Filing Data		Related Party Info		Actions		Client Info		Expenses		Ext Files	
Action	Action Due Date	Completed Date	Action Notes	Responsible Atty #1							
IDS DUE	03/19/2002!	03/19/2002									
IDS-PAW	06/19/2002	03/19/2002									
Published	06/20/2002!	06/19/2002									
STATUS	09/19/2002	09/19/2002									
STATUS	03/19/2003	03/19/2003									
STATUS	09/19/2003	09/18/2003									
REVIVE APPLN/PTA	11/28/2003!										
STATUS	03/19/2004	10/24/2003									
REVIVAL 6 MO	03/28/2004!										
FINAL REVIVAL	09/28/2004!										
No Foreign Filing											

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